Maintaining legal value of records throughout their Life cycle

Archives of the Republic of Slovenia
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Agenda

- Legal and evidential values of documents in a digital form
- Archival regulations in Slovenia
- The role of the National Archives
Legal and evidential values?

Paper World

Digital World

Creation
Change
Approve
Route
Publish
Storage/retire
Search
Security

SAN

Create
capture

change

route

approve

publish

quality of the process

Classification
Business rules
versioning

Unified access

Auditing

Metadata
Basic requirement of long-term preservation:
legal and evidential values of documents in digital form

principle of long-term preservation of documents and/or usability of their contents:

- accessibility
- applicability
- authenticity
- integrity
- protection of cultural monument
Legislation, regulation and standards
Legislation related to PDAAIA*

- Electronic Commerce and Electronic Signature Act**
  - makes the electronic signature equal to the autographic signature
  - gives legal base as evidence value of smaller part of documentary material – for which a time period of storage is not chosen

* PDAAIA – Protection of Documents and Archives and Archival Institutions Act
** year 2000
Legislation for long-term preservation in Slovenia

- Protection of Documents and Archives and Archival Institutions Act, PDAAIA - general disposition on method and organization of storage

- Regulation on Documents and Archives Protection – detailed disposition
  - Unified Technological Requirements (UTR) 1.0 – organizational and technological requests
  - Regulation on professional qualification of public administration and providers staff, who work with documentary material
  - General Conditions on Accreditation Implementation 2.0
Corelated legislation, standards and recommendation

- Corelated legislation of spheres:
  - operation of governmental
  - protection of personal and classified information
  - social order, health, educational system
  - accounting
  - ...

- Standards
  - ISO 15489:2005
  - ISO 23081:2006
  - ISO/IEC 27001
  - ...

- Recommendation
  - MoReq
Protection of Documents and Archives and Archival Institutions Act, PDAAIA

general disposition about the method, organization, infrastructure and implementation of capture and storage of documents in physical and electronic form (documents and archives)

What PDAAIA brings new

- Complete regulation – arranges possibility and prescribes legal value of long-term preservation of documents in a digital form (documents with defined retention period and archives, irrespective of format (physical or digital)).

- Declares demands for equipment and service connected with capture and storage of documents in a digital form.

- Introduce control over the activities of registered equipment and services providers for capture and storage of documents in a digital form.
Unified Technological Requirements 1.0 (UTR)

detailed business, organizational and technological conditions
Unified Technological Requirements

- **Internal organization** - processes, professional skills and responsibility of employees
- **Infrastructure of information system for storage**
  - Security room
  - Hardware and software
  - Internal control, which refer in particular to operational implementation and monitoring of events (control of physical access, control of powers, audit trails, back up, reporting on security issues and similar)
- **Procedure of capture, conversion, control etc.** (format for long-term preservation, metadata)
- **Formats and methods of transfer of archives in a digital form to an archival institution**
- **media and format for long-term preservation**
- ...


The base for Slovene regulations for assuring a digital long-term preservation

- MoReq
- ISO standards (27001, 9001, 12207, 90003, 15408, 25051, 20000, 14721, 23081,...)
- EU directives (LVD, EMC, RoHS, EC DoC,...)
- Common Criteria
- ITIL
- IEEE standards
- IS Standards, Guidelines and Procedures for Auditing and Control Professionals (ISACA)
- COBIT 4.1
- ...

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The role of the National Archives

- Holder of the public faith
  - Unified Technological Requirements
  - Registration and accreditation
  - Internal rules confirmation
The basic challenge of long-term preservation

- Simplicity of changing content of documents in a digital form
- Assuring of traceability (audit trail) and evidence of changes
Legal and evidential values of documents in a digital form

- According to PDAAIA, legal and evidential values of documents in a digital form are correlated to the capture and storage process.

- Introduction of
  - Technical measures
  - Organizational measures

- Documentation
Internal rules

for capture and storage of documents in a digital form
**Internal rules**

Why and who needs the internal rules?

- any organization, who shall capture or store documents in a digital form, shall adopt internal rules - **obligatory**
- PDAAIA legal value of documents storage in a digital form bind on existence and execution of confirmed internal rules (Equality to original material on legal basis!)
What are internal rules?

- usually several mutually connected documents
- describe the main part of process (e.g. capture of material, conversion, implementation,...)
- defining responsibility of each employee for performing single procedure
- defining documentation (e.g. register of captured documents, list of errors, ...)
- enable of way procedures are performed
Content of internal rules

- Storage of documents
  - Internal organization, roles and powers, number and professional skills of personnel
  - Infrastructure of information system

- Documents management
  - acquisition
  - classification
  - signing
  - registration of materials
  - capture and conversion
  - selection, conversion and long-term preservation of documents
  - elimination and destruction of documents
  - ...
Confirmation of internal rules at the Archives of the Republic of Slovenia
Documentations for checking of internal rules

- Internal rules (main document)
- Appendix to internal rules such as regulations, policies, instruction, plans, ...), which are viewed as part of it
- Certificates (ISO 9001, ISO 27001, ...), audit reports and analogous documents that they refer to internal rules and their owner

Verified compliance with PDAIAIA, Regulation, UTR and rule of profession

Entry to register of confirmed internal rules
Application for confirmation of internal rules

- Application for confirmation of internal rules

Organization, who capture or storage documents in a digital form

APPLICATION

Confirmation of Internal rules

Archives of the Republic of Slovenia

APPLICATION

Confirmation of model of internal rules

Internal rules confirmation group

- administrative procedure
- cost 17,73 €

register of confirmed internal rules (www.arhiv.gov.si)
**Adopted and confirmed internal rules – How forward?**

- **Monitoring the implementation of internal rules** (internal, external) – all verification should be properly documented
  - Management board shall define the plan for regular periodic assessment at least every two years, in case of important materials or based on professional instructions by the competent archival institution once per year
  - Certified Information System Auditor (CISA)

- **Amendments and supplements:** because of the change of valid regulations, technological progress, professional findings and/or required by the Archives of the Republic of Slovenia
Control mechanisms – providers

- **registration**
  - equipment and services provider
  - obligatory
  - minimal conditions
  - administrative procedure

- **accreditation**
  - equipment (hardware, software) or services
  - non obligatory/payment
  - stricter conditions
  - contractual relationship

- differentiation of services and equipment
- easier entrance into the market
- more efficient control
Registration of equipment and services providers
Verify completeness of the application and order registration of the provider into the register of providers.

Register of equipment and services providers (public accessible on web pages and free of charge).

- Providers

  - hardware and software
  - Services of capture and storage of documents in a digital form
  - accompanying services

- Archives RS

  Administrative decision
  APPLICATION
  Registration

- Cost 17,73 €
ACCREDITATION
of equipment and services

higher degree of order and reliability
What is accreditation?

- National Archives verifies compliance of equipment (hardware, software) or services of storage with the legislation requirements and regulatory (PDAAIA, Regulatory, UTR and professional rules)
- Cooperation with:
  - Slovenian Institute of Quality and Metrology (SIQ) – cooperation in the international schemes and agreements for product testing and certification (HW)
  - Certified Information System Auditor (Slovenian Institute for Audit) - (SW, services)
- voluntary (contractual attitude between National Archives and depositor of claim for accreditation)
- Providers can offer to public administration only the accredited equipment and services for storage documents in a digital form
- General Conditions on Accreditation Implementation
Preconditions for accreditation

- **for all kind of accreditation procedures:**
  - Registration of equipment and services providers

- **for accreditation services:**
  - Accredited hardware and software
  - Confirmed internal rules by the National Archives
    - For services providers in case that want to these services accreditation
  - Suitable qualification of personnel
    - Established system of assigning of credit points
Accreditation procedure

1. APPLICATION
   - Signed contract
   - Payment of compensation for accreditation

2. Proposal of the contract on accreditation implementation and General Conditions on Accreditation Implementation

3. Supervision

4. Deciding procedure

5. Entry to register of equipment and services Providers

Providers
- HW and SW
- services
- accompanying services

Archives RS
Control mechanisms for providing the legal and evidential values

- LVD report
  Directive 2006/95/ES
- EMC report
- EC DoC
  EC - Declaration of Conformity
- RoHS report
  Directive 2002/95/ES
- Maintenance/response time
- ...
Control mechanisms for providing the legal and evidential values

Check list for controlling compliance hardware with PDAIA

Slovenian Institute of Quality and Metrology (SIQ)
Control mechanisms for providing the legal and evidential values
Control mechanisms for providing the legal and evidential values

Check list for controlling compliance software with PDAAIA

University of Maribor
Slovenian Institute of Quality and Metrology (SIQ)
Interes d.o.o. (Auditors)

Check list
Software
Check list
Hardware
Control mechanisms for providing the legal and evidential values

ISO 27001

Other standards

MoReq

Internal rules
Check list
Software
Check list
Hardware
Control mechanisms for providing the legal and evidential values

The National Archives - Internal rules confirmation group

Check list for controlling compliance internal rules with PDAAIA

Check list
Internal rules
Software
Check list
Hardware

ISO 27001
LVD report
Directive 2006/95/ES
EMC report
RoHS report
Direktiva 2002/95/ES
EC DoC
EC - Declaratoin of Conformity

ISO standards
Common Criteria
TickIT
DOD ITSEC
IEEE ITIL

ISO 9001
ISO 27001
Internal rules

Check list
Check list
Check list
Check list

The National Archives - Internal rules confirmation group
Control mechanisms for providing the legal and evidential values

- Internal rules
- Software
- Hardware

IS Standards, Guidelines and Procedures for Auditing and Control Professionals (ISACA)
COBIT 4.1
MSR 402
...

Services
Check list
Internal rules
Check list
Software
Check list
Hardware
Control mechanisms for providing the legal and evidential values

Check list for controlling compliance services with PDAAIA

Certified Information System Auditor (Slovenia Chapter of ISACA.)
PDAAIA Regulations UTR

- Check list
- Services
- Check list
- Internal rules
- Check list
- Software
- Check list
- Hardware
Public administration & business sector VS. providers

Provider of capture and storage of documents in a digital form

- registration
- confirmed internal rules
- accredited equipment or services

Public administration

- Internal rules, confirmed at the National Archives - **obligatory**
- accredited equipment and services for capture and storage of documents in a digital form - **obligatory**

Business sector

- Internal rules, confirmed at Archival of the RS – **non obligatory**
- accredited equipment and services at capture and storage of documents in a digital form – **non obligatory**
Present situation and near future...

- 63 registered equipment and services providers
- 4 confirmed internal rules (4 in progress)
- 1 accredited SW (5 in progress)
- 1 accredited HW - system storage
- In autumn 2008 - services accreditation
Legislation for long-term preservation in Slovenia

URL:
